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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY JOHNSON, JENNIFER
RIESE, SHAUN SIMMONS, MICHAEL
DEBEVER, and JAMES PURVIS,
individually, and on behalf of others
similarly situated,

Plaintiffs,

vs.

HEWLETT-PACKARD COMPANY,

Defendant.

Case No. C-09-03596 CRB

**STIPULATION AND [REDACTED] ORDER
REGARDING THE FILING OF
DEFENDANT'S AMENDED ANSWER TO
PLAINTIFFS' THIRD AMENDED
COMPLAINT**

1 Plaintiffs Jeffrey Johnson, Jennifer Riese, Shaun Simmons, Michael DeBever, and James
 2 Purvis (“Plaintiffs”) and Defendant Hewlett-Packard Co. (“Defendant”), the parties to the above-
 3 entitled action (collectively referred to herein as the “Parties”), by and through their undersigned
 4 counsel, hereby stipulate and agree as follows:

5 1. On July 21, 2010, Plaintiffs filed a Third Amended Complaint (“TAC”) in this
 6 action;

7 2. On August 9, 2010, Defendant timely filed its Answer to Plaintiffs’ TAC
 8 (“Answer”);

9 3. Plaintiffs have informed Defendant that they believe the Answer currently on file
 10 is deficient in two ways. Specifically: (1) in response to certain allegations, Defendant’s Answer
 11 stated that no response was required to legal conclusions; and (2) in response to Plaintiffs’
 12 quotation of statutes in the TAC, Defendant stated that it need not admit or deny the quotations on
 13 the ground that a statute or other document “speaks for itself.”

14 4. Defendant has agreed to amend its Answer to take the form attached hereto (as
 15 Exhibit A), and the Parties submit the following Stipulation in order to expedite that process.

16 5. Defendant’s Amended Answer (Exhibit A hereto) also revises its defenses to
 17 provide a more detailed basis for asserting each defense, to add certain defenses, and to remove
 18 certain defenses that Defendant is not planning to pursue at this time.

19 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
 20 counsel of record and pursuant to Federal Rule of Civil Procedure 15(a)(2) that Defendant may
 21 file the Amended Answer to Plaintiffs’ Third Amended Complaint in a form attached as
 22 Exhibit A to this stipulation. In so stipulating, none of the parties are waiving or compromising
 23 any claim or defense that any party may have.

1
2 Dated: October 29, 2010

SCHNEIDER WALLACE COTTRELL
BRAYTON KONECKY LLP

3
4 By /s/Todd Schneider
5 Todd M. Schneider
6 Attorneys for Plaintiff
7 JEFFREY JOHNSON, JENNIFER RIESE,
8 and SHAUN SIMMONS

9 Dated: October 29, 2010

MORGAN, LEWIS & BOCKIUS LLP

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11 By: /s/Melinda Riechert
12 Melinda Riechert
13 Attorneys for Defendant
14 HEWLETT-PACKARD COMPANY
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[PROPOSED] ORDER

Pursuant to Fed. R. Civ. P. 15(a)(2) and the Stipulation above, Defendant Hewlett-Packard Company may file the Amended Answer to Plaintiffs' Third Amended Complaint in the form attached as Exhibit A to the Stipulation.

IT IS SO ORDERED.

Dated: November 1, 2010

